

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 14, 2002**

AGENDA ITEM NO.: **22**

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) – Sandusky Baptist Church, 915 Catalina Place**

RECOMMENDATION: Approval of the requested CUP.

SUMMARY: Sandusky Baptist Church petitioned for a CUP at 915 Catalina Place to allow the addition of a new sanctuary, family life building , and parking at the existing Church. The Planning Division recommended approval of the CUP petition because:

- Petition agrees with the *General Plan*, which recommends a Low Density Residential use.
- Petition is compatible with the surrounding land use and zoning in the area.

The petition was considered by the Planning Commission (PC) on April 24, at which time the PC recommended approval of the petition.

Section 35.1-15(f) of the Zoning Ordinance states: "In approving a Conditional Use Permit, City Council may impose any conditions which it deems necessary or appropriate."

PRIOR ACTION(S):

April 24, 2002:

Planning Division recommended approval of CUP petition

Planning Commission recommended approval (5-0) of CUP petition with the following conditions.

1. The site shall be used and developed in substantial compliance with the site plan titled "Sandusky Baptist Church, 915 Catalina Place, Lynchburg, Virginia, " and received March 18, 2002.
2. There shall be evergreen and deciduous landscaping, to include trees, planted along Sandusky Drive, Catalina Place, and along the abutting property lines of the residences on Hines Circle.
3. There shall be foundation plantings along the front of the proposed sanctuary.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/ 847-1508, ext. 253

Bill McDonald/ 847-1508, ext. 257

ATTACHMENT(S):

- Ordinance
- PC Report
- PC minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Site plan
- Narrative

REVIEWED BY:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO SANDUSKY BAPTIST CHURCH FOR USE OF THE PROPERTY AT 915 CATALINA PLACE TO ALLOW EXPANSION AT THE EXISTING CHURCH, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Sandusky Baptist Church for a Conditional Use Permit for use of the property at 915 Catalina Place to allow the addition of a new sanctuary, family life building, and additional parking be and the same is hereby, approved, subject to the following conditions:

1. The site shall be used and developed in substantial compliance with the site plan titled Sandusky Baptist Church, 915 Catalina Place, Lynchburg, Virginia, Master Development Plan," with revised dates of 4/10/02 and 4/17/02.
2. There shall be evergreen and deciduous landscaping, to include trees, planted along Sandusky Drive, Catalina Place, and along the abutting property lines of the residences on Hines Circle.
3. There shall be foundation plantings along the front of the proposed sanctuary.
4. The recreational facilities shall be used only for church affiliated functions by church members.

Adopted:

Certified:

Clerk of Council

103L

The Department of Community Planning & Development

City Hall, Lynchburg, VA 24504 434-847-1508

To: Planning Commission
From: Planning Division
Date: April 24, 2002
Re: **CONDITIONAL USE PERMIT (CUP): 915 CATALINA PLACE**

I. PETITIONER

Sandusky Baptist Church, 915 Catalina Place, Lynchburg, VA 24502.
Representative: E. B. Daniel

II. LOCATION

The subject property is a tract of about 7.8 acres located at 915 Catalina Place off Sandusky Drive.
Property Owner: Sandusky Baptist Church, 915 Catalina Place, Lynchburg, VA 24502.

III. PURPOSE

The purpose of this petition is to approve a Master Development Plan to allow the construction of a family life center, a new 350-seat sanctuary, basketball court, and additional parking at the existing Church building in an R-2, Single-Family Residential District.

IV. SUMMARY

- Petition agrees with the *General Plan*, in that churches are permitted in residential areas upon approval of a CUP by City Council.
- Church is adding structures and parking for the existing Church functions, but does not require the demolition of additional residences.
- Petition extends the institutional character of the block and can be compatible with the community.
- **The Planning Division recommends approval of the CUP petition.**

V. FINDINGS OF FACT

1. **General Plan.** The Lynchburg *General Plan* recommends a Medium Density Residential use for the subject property. The subject petition proposes to use the property for the expansion of institutional uses, and does not require the demolition of adjacent residences. The proposal will maintain the current practice of preserving the existing residential areas as established by the *General Plan*.
 - **Zoning.** The subject property was annexed in 1958. The existing residential zoning was established in 1960 and has remained as such to the present. The proposed use is compatible with the existing R-2 zoning in that a church can be allowed in this district upon approval of a CUP by City Council. The petition will not change the existing zoning of the property.
2. **Board of Zoning Appeals (BZA).** At this time, no action is required by the Board.
3. **Surrounding Area.** There have been no rezoning or CUP petitions in the immediate vicinity of the Church.
4. **Site Description.** The subject site is approximately 12 acres, with approximately one half of the property containing the existing Church facilities and a cleared parcel and the other half of the property to the north and east being treed. The brick Church was built in 1973 and had an addition in 1977. In 1983, the Church acquired the property at 912 Sandusky Drive and in 1993 removed the residence from this parcel.

5. **Proposed Use of Property.** The purpose of the CUP is to allow the construction of a family life center (to include classrooms, a gym, kitchen, and rest rooms), a new 350-seat sanctuary, and additional parking. Provided the proposed basketball court is used solely by the Church, the indicated setback of about 95 feet is adequate. If other non-Church sponsored groups are to use the athletic facility, additional setback requirements may apply.

The Church has submitted the proposal as a Master Development Plan. As provided for by Section 35.1-16(i) of the Zoning Ordinance, in the event City Council approves the Master Development Plan, once the Church puts any portion of the CUP into effect, the remainder of the Plan remains in effect indefinitely. A brief narrative summarizing the Church's proposal has been submitted and attached with this report.

6. **Traffic & Parking.** The City Traffic Engineer had no comments of major concern regarding the subject petition. The proposed use is not expected to generate a significant amount of traffic. The Traffic Engineer did suggest that there be an entrance/exit on both Sandusky Drive and Catalina Place. The site plan indicates such a layout. There is no indicated access for vehicles or pedestrians from the new Family Life Building and sanctuary to the existing facility, but there is a note for the Church to reserve the right to add such an access in the future.

Seating capacity of the new sanctuary has been reported as being about 350 people. Based on the regulations of the Zoning Ordinance, the seating for the Church would require 117 parking spaces. The Church appears to have about 70 parking spaces and proposes about 67 additional spaces on the site plan, which would bring the total to about 137 spaces. The Zoning Ordinance requires a setback along both Sandusky Drive and Catalina Place of 60 feet. The site plan shows no parking spaces in the setback along Sandusky Drive or Catalina Place. The future access or realignment of existing spaces may result in some deviation of this number of spaces.

7. **Storm Water Management.** The Environmental Specialist of the Robert E. Lee Soil & Water Conservation District notes that a storm water management plan will be required only if the disturbed area exceeds 1,000 square feet. Other than the indicated development, the pending site plan does propose any new disturbed areas. The disturbed area does exceed 1,00 square feet.
8. **Impact.** The current submittal proposes an expansion of the existing institutional use. The Planning Division is concerned about the loss of sound housing stock from institutional expansion throughout the City. Other than the previous demolition, the development will have an impact similar to that of the current Church use and will be compatible with existing residences in the area. Provided there is not extensive loss of residences from the area, the proposed institutional use will not have an adverse impact on the future continued stability of the surrounding area.

The Church is surrounded by residential development. The nearest adjacent residence is on Catalina Place and is about 20 feet from the Church property line. The Church intends to retain the existing trees at the front of the existing sanctuary. Providing appropriate setbacks and landscaping should make the proposed use of the property compatible with the surrounding land uses and zoning. The specific types of landscaping will be established when the Church submits a detailed site plan and requests a building permit for development in the future.

9. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on April 2 and noted the need for a few revisions, all of which were minor in nature and will need to be addressed by the petitioner prior to final site plan approval.
 10. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary of appropriate in approving a CUP.
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VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Sandusky Baptist Church for Conditional Use Permit at 915 Catalina Place to allow the construction of a family life center, a new 350-seat sanctuary, and additional parking additional parking at the existing Church in an R-2, Single-Family Residential District, subject to the following conditions:

- 1. The site shall be used and developed in substantial compliance with the site plan titled “Sandusky Baptist Church, 915 Catalina Place, Master Development Plan, Lynchburg, Virginia, ” with a revision date of 4/17/02.**
- 2. There shall be evergreen and deciduous landscaping, to include trees, planted along Sandusky Drive, Catalina Place, and along the abutting property lines of the residences on Hines Circle.**
- 3. There shall be foundation plantings along the front of the proposed sanctuary.**

This matter is respectfully offered for your consideration.

William K. McDonald, AICP
Acting City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. John W. Jennings, Fire Marshal
Ms. Judith C. Wiegand, Strategic Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. E. B. Daniel, Petitioner/Representative

VII. ATTACHMENTS

1. Vicinity Zoning Pattern

(see attached map)

2. Vicinity Proposed Land Use

(see attached map)

3. Site Plan

(see attached site plans)

1. Narrative

(See attached narrative)

MINUTES FROM THE APRIL 24 PLANNING COMMISSION MEETING

Petition of Sandusky Baptist Church for a Conditional Use Permit at 915 Catalina Place to construct a Family Life Center, a new 350-seat sanctuary, and parking in an R-2, Single-Family Residential District.

Mr. Martin explained to the Commission that at the TRC meeting the City staff recommended that the Church consider developing a Master Development Plan for the property, which they did provide. He said the two major items of the master plan were the addition of a basketball court and keeping the rear portion of the property undisturbed.

Mr. Ronnie Eubank, 314 Burg Drive, Madison Heights, represented the Church in their request. Mr. Eubank told the Commission that he was a member of the Church, and he introduced the pastor of the Church, Reverend Bobbie Wood. Mr. Eubank explained that when the Church had a function they had to use their basement due to the lack of a fellowship hall, and the space became very crowded. He said four or five years ago they started developing plans for the future of the Church, which included a Family Life Center. He said several years before that the Church acquired the front parcel of land along Sandusky Drive and demolished the house that was on that property. He added that a second piece of land on the northern side of the property was then donated to the Church, but there were no plans to develop either section of property. Additionally, Mr. Eubank said, the Church envisioned a new sanctuary and outdoor basket courts, but the Family Life Center was top priority for the Church.

Ms. Amy Bowles, 1000 Sandusky Drive, spoke against the petition. She said her house was on the corner of Sandusky and Catalina Place. Ms. Bowles said she was concerned about the resale value of her home. She said three years ago when she bought her house there was an open field near her property, but with the proposed addition to the Church and their future plans, the area would not be as pleasant. She said she was concerned about the traffic associated with the Church, and added that there was not a signal light at the intersection. Ms. Bowles said it was sometimes very difficult to enter onto Sandusky Drive from Catalina Place.

Commissioner Moore asked if they were approving a Master Development Plan or only the Family Life Center.

Mr. Martin told the Commission that they would be approving all of the uses included in the request. He explained that if the CUP were granted, and the Church started to develop their property, they would only have to take their plans to the Technical Review Committee and would not have to have public hearings for each phase of development. He said if approved, the Church had six months from the date of approval to put the CUP into effect, and they could continue with their plans on a schedule that they set for themselves.

Commissioner Moore clarified that if the petitioner did not have a Master Development Plan they would have to come before the City for approval of any construction that took place at the facility. He asked if they would have to have a complete site plan including stormwater and land disturbance plans, etc., for each new project.

Mr. Martin said when a project went through the Planning Commission and City Council the engineering plan was not completed in great detail. He said the petitioner developed plans for how the work would be handled, but usually did not want to pay for the added cost of having the stormwater calculations and the final grading plans completed until they were granted a CUP.

Chair Dahlgren said if the CUP were granted, then the TRC would be put in the position of approving or disapproving the future phases of construction.

Mr. Martin said if the CUP were approved by the City, and as parts of the plan were submitted for approval, then the TRC would go back to the Master Development Plan to see what had been approved by Council. He explained that if the submitted site plan showed the improvements to the site as approved by Council, then the petitioner would only go through the TRC process. However, he said, if the petitioner changed any part of the plan that had been previously approved and was no longer in substantial compliance with the Master Development Plan, then the TRC would send the project back through the City system for approval.

Commissioner Moore said he saw the duty of the Planning Commission as deciding if the development was the best use of the land.

Commissioner Flint said the Commission had recently been critical of petitioners who came in with no Master Development Plan, and when asked by the City to do so, this church had honored the request of the TRC by bring one in.

Commissioner Echols said this seemed to be a very weak Master Plan with not much detail.

Chair Dahlgren asked the representatives if they had spoken with neighbors other than Ms. Bowles? If so, he said, could they share the opinions of other neighbors?

Reverend Wood said they had spoken with all neighbors around the property and no other concerns were voiced. He said Ms. Bowles expressed her displeasure with the Family Life Center blocking her view of the mountains.

Chair Dahlgren told Ms. Bowles that he shared her concern with traffic. He said it was not an easy place to access. He asked Mr. Martin if the entrance and exit to the site were included in the Master Development Plan, and if so, had that been approved by the Traffic Engineer.

Mr. Martin said the City Traffic Engineer did not have any major concerns with traffic. He said they did request that the Church provide an entrance and exit on Catalina and Sandusky, which they had included in the Master Plan.

Chair Dahlgren asked the petitioners if they would be agreeable to limit the use of the recreational facilities, such as the basketball court, strictly to the membership of the church, and would they agree to put the proper lighting around the court and limit the evening hours so as not to be offensive to the neighbors.

Reverend Wood said they would be agreeable to Chair Dahlgren's suggestions. He added that the property along Sandusky Drive sloped approximately 25 or more feet below the road, and the basketball court would be approximately 25 feet below that parking lot. He said the location of the basketball court would be well out of site of the neighborhood.

Mr. Eubank said they had never anticipated letting other groups use their basketball court. He said their intention was for the youth of the Church to be the users of the basketball court.

Commissioner Worthington asked if they had considered joining the two parking lots instead of having to exit onto Catalina Place to get from one lot to the other.

Mr. Eubank said the property sloped and got steeper as it progressed down the hill. He said they had discussed building a road between the two parking lots, but was not sure if they would do so. He said they had included a note on their Master Development Plan reserving the right to join the two parking lots with a road at some future time.

Ms. Bowles' husband told the Commission that there was insufficient parking at their house. He said he and his wife had to park one of their vehicles on the street, as did their neighbors, and because of that, the traffic was usually limited to one direction.

Chair Dahlgren told Ms. Bowles that sometimes the construction / renovation of a church caused the surrounding property values to increase. He said the Planning Commission could not do much about the traffic along their road at this time, but if and when traffic became a problem, the City Traffic Engineers could do a study of the area.

Commissioner Echols said his concern was that the Master Development Plan did not tell the Commission what the Church really wanted to do with their property. He said based on that, he would have a hard time supporting the proposal.

Mr. Martin said in his years with the City he had never experienced a Master Plan that included much detail. He said most plans were sketchy and primarily dealt with the use of the property and not grading and engineering work that would have to be calculated at a later date.

Commissioner Worthington agreed with Mr. Martin.

He said to require detailed information would be very expensive for the petitioner.

He said he was a little nervous at pre-approving a plan with out seeing all of the details, but since the City was encouraging more Master Planning they could not request a Master Plan from one petitioner and then not from another. He said they needed to be fair, and if the petitioner was meeting all of the regulations, then the Commission should be satisfied.

Commissioner Flint said he was comfortable with the technical expertise of the TRC members to look at all of the details such as stormwater and traffic. He said there were regulations and laws that the TRC members had to enforce, and the Planning Commission should not have to get bogged down with that enforcement. He said if the Commission felt this was a good Master Plan for this property, then that was enough for approval.

Commissioner Dahlgren suggested that an additional condition be added to limit the use of the basketball court to Church use only and that the lighting not be offensive to the neighborhood.

Commissioner Flint said limiting the basketball court to Church use might be limiting the Church's outreach program for the area.

After further discussion, Commissioner Worthington made the following motion, which was seconded by Commissioner Echols and passed by the following vote:

That the Planning Commission recommends to the City Council approval of the petition of Sandusky Baptist Church for Conditional Use Permit at 915 Catalina Place to allow the construction of a family life center, a new 350-seat sanctuary, and additional parking at the existing Church in an R-2, Single-Family Residential District, subject to the following conditions:

1. The site shall be used and developed in substantial compliance with the site plan titled "Sandusky Baptist Church, 915 Catalina Place, Master Development Plan, Lynchburg, Virginia, " with a revision date of 4/17/02.
4. There shall be evergreen and deciduous landscaping, to include trees, planted along Sandusky Drive, Catalina Place, and along the abutting property lines of the residences on Hines Circle.
5. There shall be foundation plantings along the front of the proposed sanctuary.
6. The recreational facilities shall be used only for church affiliated functions by church members.

AYES:	Dahlgren, Echols, Flint, Moore, Worthington	5
NOES:		0
ABSTENTIONS:		0

SANDUSKY BAPTIST CHURCH
915 CATALINA PLACE
CONDITIONAL USE PERMIT REQUEST
MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



Subject Property
200 ft. Radius

